

**UNITED STATES DISTRICT COURT**

EASTERN DISTRICT OF CALIFORNIA

MARIO A. VALENZUELA,

Plaintiff,

v.

SANTIESTEBAN, *et al.*,

Defendants.

1:20-cv-01093-NONE-BAM (PC)

ORDER TO SHOW CAUSE REGARDING  
DEFENDANTS' FAILURE TO COMPLY  
WITH COURT ORDERS

(ECF Nos. 38, 42)

**SEVEN (7) DAY DEADLINE**

Plaintiff Mario A. Valenzuela ("Plaintiff") is a state prisoner who proceeded *pro se* and *in forma pauperis* in this civil rights action pursuant to 42 U.S.C. § 1983. This action proceeds against Defendants Santiesteban, Rodriguez, and Alejo for excessive force in violation of the Eighth Amendment and against Defendant Perez for failure to protect in violation of the Eighth Amendment, arising from the incident on June 22, 2019.

On April 9, 2021, the Court granted Defendants' motion to stay this civil action until Plaintiff's criminal charges in Kings County Superior Court, case number 20CM-1621, arising from the same June 22, 2019 incident involved in this action, are resolved. (ECF No. 38.) Defendants were directed to file a status report within ninety (90) days from the date of service of that order, and every sixty (60) days thereafter, addressing the status of the criminal proceedings until they are resolved. (*Id.* at 6.)

1 Defendants' first status report was due on or before July 8, 2021. Following Defendants'  
2 failure to file a status report as directed, the Court issued an order to show cause directing  
3 Defendants to file a status report within seven days or a written response regarding their failure to  
4 do so. (ECF No. 40.) Defendants filed a status report and response to the order to show cause on  
5 July 16, 2021. (ECF No. 41.) The status report indicated that Plaintiff's criminal case was  
6 ongoing and that they would file a status report every sixty days thereafter to address the status of  
7 Plaintiff's criminal proceedings until they are resolved. (*Id.*)

8 Defendants' second status report was therefore due on or before September 14, 2021. A  
9 status report has not been received by the Court as of the signing of this order.

10 Accordingly, within **seven (7) days** from the date of service of this order, Defendants are  
11 HEREBY ORDERED to show cause by written response regarding Defendants' failure to file a  
12 status report addressing the status of Plaintiff's criminal proceedings. Defendants may comply  
13 with this order by filing a status report in compliance with the Court's April 9, 2021 and July 19,  
14 2021 orders.

15  
16 IT IS SO ORDERED.

17 Dated: September 16, 2021

/s/ Barbara A. McAuliffe  
UNITED STATES MAGISTRATE JUDGE